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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,171	12/08/2005	Hagit Eldar-Finkelman	29724	4524

7590 06/12/2007  
Martin Moynihan  
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2001 Jefferson Davis Highway  
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EXAMINER

RUSSEL, JEFFREY E

ART UNIT	PAPER NUMBER
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1654

MAIL DATE	DELIVERY MODE
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06/12/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/538,171

Applicant(s)

ELDAR-FINKELMAN, HAGIT

Examiner

Jeffrey E. Russel

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1654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) See Continuation Sheet are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____   | 6) <input type="checkbox"/> Other: _____                          |

Continuation of Disposition of Claims: Claims pending in the application are 1,2,4,6-8,10-12,14-17,24-26,28,46-49,63-65,67,71-74,88-90,93-99,101,118-125,127-129,131-135,141-146,148-150,152-156,162,163 and 167.

Continuation of Disposition of Claims: Claims subject to restriction and/or election requirement are 1,2,4,6-8,10-12,14-17,24-26,28,46-49,63-65,67,71-74,88-90,93-99,101,118-125,127-129,131-135,141-146,148-150,152-156,162,163 and 167.

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1. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The method species are as follows:

- (1) A method of treating obesity;
- (2) A method of treating non-insulin dependent diabetes mellitus;
- (3) A method of treating an insulin-dependent condition;
- (4) A method of treating an affective disorder;
- (5) A method of treating a neurodegenerative disease or disorder;
- (6) A method of treating a psychotic disease or disorder; and
- (7) A method of up-regulating a  $\beta$ -catenin level in a hippocampus of a subject in need thereof.

If Applicants elect method species (4) above, then Applicants are additionally required to elect from the polypeptide amino acid sequences of SEQ ID NOS:5, 6, 8, 9, 12, and 16.

If Applicants elect method species (7) above, then Applicants are additionally required to elect from the polypeptide amino acid sequences of SEQ ID NOS:5, 6, 8, 9, 12, and 16.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

The claims are deemed to correspond to the species listed above in the following manner: Claim 141 is drawn to method species (4) and polypeptide amino acid sequence species SEQ ID NO:16. Claim 162 is drawn to method species (7) and polypeptide amino acid sequence species SEQ ID NO:16.

The following claim(s) are generic: 46-49, 63-65, 67, 71-74, 88-90, 93-99, 101, 118-125, 127-129, 131-135, 142-146, 148-150, and 152-156.

Claims 1-28, 163, and 167, drawn to the conjugate, compositions comprising the same, and methods of making the same, will be examined with the elected species.

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons:

The method species are patentably distinct from one another and lack unity of invention because of the materially different subjects who are being treated in each method. Each method species will require separate searches of the prior art, and the evidence to be considered in order to establish enablement will necessarily be different for each method species. The polypeptide amino acid sequences of SEQ ID NOS:5, 6, 8, 9, 12, and 16 are patentably distinct from one another and lack unity of invention because of their materially different amino acid sequences.

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Each sequence will require a separate amino acid sequence search, plus evaluation of the results thereof. The X references cited in the International Search Report constitute additional evidence that the claimed invention lacks unity of invention.

2. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

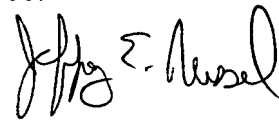
The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey E. Russel at telephone number (571) 272-0969. The examiner can normally be reached on Monday-Thursday from 8:00 A.M. to 5:30 P.M. The examiner can also be reached on alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Cecilia Tsang can be reached at (571) 272-0562. The fax number for formal communications to be entered into the record is (571) 273-8300; for informal communications such as proposed amendments, the fax number (571) 273-0969 can be used. The telephone number for the Technology Center 1600 receptionist is (571) 272-1600.

A handwritten signature in black ink, appearing to read "Jeffrey E. Russel". The signature is stylized with a large initial "J" and a cursive "E".

Jeffrey E. Russel

Primary Patent Examiner

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JRussel

May 30, 2007